

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SIMA ABENSON,

Civil Action No.:

Plaintiff,

-against-

COMPLAINT

JZANUS, LTD,

DEMAND FOR JURY TRIAL

Defendant.

X

Plaintiff, SIMA ABENSON (“Plaintiff”), by and through her attorneys, The Law Office of Alan J. Sasson, P.C., as and for her Complaint against the Defendant, JZANUS, LTD (hereinafter referred to as “Defendant”), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant’s violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act.

PARTIES

2. Plaintiff SIMA ABENSON is a resident of the State of New York, County of Rockland.

3. Plaintiff is a “consumer” as the phrase is defined and used in the FDCPA under 15 USC §1692a(3).

4. Defendant JZANUS, LTD is a New York corporation duly organized and incorporated under the laws of the State of New York with its principal place of business located at 170 Jericho Turnpike, Floral Park, NY 11001.

5. Defendant is a “debt collector” as the phrase is defined and used in the FDCPA under 15 USC §1692a(6).

JURISDICTION AND VENUE

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “7” herein with the same force and effect as if the same were set forth at length herein.

9. Upon information and belief, Defendant, on behalf of a third-party, or itself as purchaser of the debt, began efforts to collect an alleged consumer debt from Plaintiff sometime in June of 2014.

10. Upon information and belief, and as better known to the Defendant, the Defendant mailed a Collection Letter to the Plaintiff on or about June 27, 2014.

11. On or about July 20, 2014, the Plaintiff faxed a letter to the Defendant, requesting that the Defendant cease and desist from contacting her.

12. Defendant ignored the Plaintiff’s cease and desist letter and subsequently mailed the Plaintiff another Collection Letter dated August 1, 2014, in contravention of 15 USC § 1692c.

FIRST CAUSE OF ACTION

(Violations of the FDCPA)

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs

numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.

14. 15 U.S.C. § 1692c provides that "If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt, except—

- (1) to advise the consumer that the debt collector's further efforts are being terminated;
- (2) to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or creditor; or
- (3) where applicable, to notify the consumer that the debt collector or creditor intends to invoke a specified remedy."

15. Plaintiff faxed a cease and desist letter to Defendant on July 20, 2014, and received a fax confirmation, which established that Defendant received the cease and desist request.

16. Defendant accordingly violated 15 U.S.C. § 1692e(c) in issuing the Plaintiff a Collection Letter after its receipt of Plaintiff's cease and desist request.

DEMAND FOR TRIAL BY JURY

17. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment from the Defendant as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);

- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
August 14, 2014

Respectfully submitted,

By: /s/ Yitzchak Zelman
Yitzchak Zelman, Esq. (YZ5857)
Law Office of Alan J. Sasson, P.C.
1669 East 12th Street
Brooklyn, New York 11229
Phone: (718) 339-0856
Facsimile: (347) 244-7178
Attorney for the Plaintiff
Sima Abenson